

**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 12, 2006. Reconsideration and allowance of the application and presently pending claims 21, 25, 28-30, 32-34, 36-38, 41-43, 45-52, 54-62, and 65-69 are respectfully requested.

**I. Claim Rejections - 35 U.S.C. §103****A. Statement of the Rejection**

Claims 21, 25, 28-30, 32-34, 36-38, 41-43, 47-49, 50-52, and 66-69 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Matthews, III* ("Matthews," U.S. Patent No. 5,815,145) in view of *Tsinberg et al.* ("Tsinberg," U.S. Patent No. 6,212,680). Claim 46 is rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Matthews* in view of *Tsinberg* in further view of *Meyer et al.* ("Meyer," U.S. Patent No. 4,809,069). Claim 65 is rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Matthews* in view of *Tsinberg* in further view of *Alexander et al.* ("Alexander," U.S. Patent No. 6,177,931). Applicants respectfully traverse these rejections.

**B. Discussion of the Rejection**

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, "[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the

references.” *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). In the present case, it is respectfully submitted that a *prima facie* case of obviousness has not been established.

#### Independent Claim 21

Claim 21 recites (with emphasis added):

21. A method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising the steps of:  
tuning to a first plurality of transmission channels via a plurality of respective tuners;

receiving a first plurality of video programs including a first video program and a second video program via the first plurality of transmission channels, wherein each of the first plurality of video programs comprises a plurality of time-sequential pictures;

outputting the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program and program information related to a third video program; and

outputting the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program;

wherein, *in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

Applicants respectfully submit that *Matthews* in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Page 4 of the Office

Action cites col. 5, line 57 – col. 6, line 51 of *Tsinberg* to support disclosure of above-emphasized claim features. However, Applicants believe that *Tsinberg* is being misapplied. For instance, the paragraph prior to the above-cited section of *Tsinberg* (i.e., the prior paragraph starting at col. 5, line 48) states the following (emphasis added):

The configuration of FIG. 3, in either embodiment, has the additional benefit of allowing acquisition of EPG information from different RF channels while the viewer stays tuned to a particular channel on main tuner 1. As described above, the current broadcast standard does not require a particular broadcaster to carry EPG information of other broadcasters. Thus, if a viewer calls up the EPG when tuned to a channel, he will only see the program information associated with that channel.

Given the above context, the following sections from col. 5, line 57 – col. 6, line 51 of *Tsinberg* are illustrative of this misapplication to the claim features (emphasis added):

[col. 5, lines 57-67] The system of FIG. 3 solves this problem by using PIP tuner 8 and CPU 6 to collect and combine EPG information from other channels. The steps for collecting EPG data are shown in FIG. 4. First, CPU 6 determines if it has already collected EPG data from all the digital channels (step 40). If so, the routine ends (step 41). Otherwise, CPU 6 tunes PIP tuner 8 to a new channel (step 42) and determines if EPG data has already been collected for that particular channel (step 43). If so, CPU 6 tunes PIP tuner 8 to another channel (step 42), and this process continues until a channel for which no EPG data has been collected is found.

[col. 6, lines 21-26] At the conclusion of this process, CPU 6 will have gathered EPG information from all the digital channels. It combines this information so that, upon request of the viewer, the entire EPG can be displayed using graphics overlay 7.

[col. 6, lines 27-33] In another embodiment, CPU 6 continuously searches all digitally broadcast channels looking for EPG information. When it receives EPG information, CPU 6 integrates it into existing EPG information. This method has the advantage that CPU 6 can perform multi-channel EPG searching and soft PIP display simultaneously. The flowchart of FIG. 5 shows the steps for carrying out this process.

[col. 6, lines 34-51] First, assume a viewer commands CPU 6 to tune PIP tuner to a particular channel. CPU 6 receives this channel selection (step 50) and tunes PIP tuner 8 to the selected channel (step 51). CPU 6 receives, decodes, and displays as

many frames of video information its processing speed can handle, but it at least displays an I frame (step 52). The frames of video would appear in a window inside the image provided by main tuner 1. Then, CPU 6 tunes PIP tuner 8 to a different channel to collect EPG information (step 53). If EPG information is present on the channel (step 54), it is collected and combined with previously acquired EPG information (step 55). Otherwise, CPU 6 tunes PIP tuner 8 back to the channel selected by the viewer (step 51) to receive, decode, and display more video frames (step 52). This tuning and re-tuning of PIP tuner 8 continues until CPU 6 has collected EPG information from all the channels. The time it takes to collect EPG data while viewing picture-in-picture will depend on the processing speed of CPU 6.

As is clear from the above sections, the request from the viewer, if made, is not *a request for program information related to at least one of the plurality of programs* as claimed in independent claim 21. The system in *Tsinberg* appears to perform a search and collection with the PIP tuner *preliminarily* to any viewer request for EPG information so that, “upon request of the viewer, the entire EPG can be displayed using graphics overlay.” (col. 6, lines 24-26) *Tsinberg* does not disclose that such a request would be performed according to the above-emphasized claim features. Thus, *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 21 be withdrawn.

Because independent claim 21 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claims 25, 28, 29, and 30 are allowable as a matter of law for at least the reason that the dependent claims 25, 28, 29, and 30 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**Independent Claim 32**

Claim 32 recites (with emphasis added):

32. A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:  
receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;  
receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;  
receiving a first user input; and  
responsive to receiving the first user input outputting to a display device a television signal comprising of a simultaneous visual presentation of the plurality of video programs with program guide data, wherein the first and second video programs are located in respective first and second video display areas of the visual presentation and the program guide data includes at least a portion of program information related to the first video program and at least a portion of program information related to the second video program,  
*in response to receiving a request for program information related to at least one of the plurality of programs, suspending at least one of the plurality of tuners from tuning to the respective transmission channels and utilizing the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of *in view of Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 32 be withdrawn.

Because independent claim 32 is allowable over *Matthews* in view of *in view of Tsinberg*, dependent claims 33-34, and 36-38 are allowable as a matter of law.

**Independent Claim 41**

Claim 41 recites (with emphasis added):

41. A digital home communication terminal (DHCT) configured to enable a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising:

- a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

- memory configured to store executable instructions; and

- at least one processor that is programmed by the executable instructions to enable the DHCT to:

- output the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device; and

- receive via at least one tuner a program guide data including program information related to the first video program and program information related to the second video program;

- output the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program;

- wherein, *in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 41 be withdrawn.

Because independent claim 41 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claims 42-43, and 45-47 are allowable as a matter of law.

#### Independent Claim 48

Claim 48 recites (with emphasis added):

48. A method implemented by a digital home communication terminal (DHCT) having a plurality of tuners, comprising the steps of:  
receiving a first video program via a first tuner;  
receiving a second video program via a second tuner;  
receiving via at least one tuner a program guide data including program information related to the first video program and program information related to the second video program;  
receiving user input;  
outputting the first and second video programs to a display device responsive to receiving the user input; and  
outputting at least a portion of program information related to the first and second video programs to the display device responsive to receiving the user input;  
wherein the first and second video programs and the program guide data are displayed simultaneously by the display device,  
wherein, *in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the first tuner and the second tuner from receiving a video program and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 48 be withdrawn.

Because independent claim 48 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claims 49-52 are allowable as a matter of law.

**Independent Claim 54**

Claim 54 recites (with emphasis added):

54. A digital home communication terminal (DHCT) configured to enable the simultaneous viewing of video programs and related electronic program guide information, comprising:

- a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

- at least one tuner configured to receive a program guide data including program information related to the first video program and program information related to the second video program;

- memory configured to store executable instructions and the program guide data; and

- at least one processor that is programmed by the executable instructions to enable the DHCT to:

- output the program guide data and the plurality of video programs simultaneously to a display device responsive to a first user input, wherein the first video program is displayed in a first video display area of the display device and the second video program is displayed in a second video display area of the display device, and wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program,

- wherein, *in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 54 be withdrawn.

Because independent claim 54 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claims 55-58 are allowable as a matter of law.



**Independent Claim 59**

Claim 59 recites (with emphasis added):

59. A DHCT configured to provide a user with program information corresponding to television programs, comprising:  
at least one guide tuner configured to receive a program guide data including program information corresponding to a plurality of television programs scheduled on the first television channel;  
a plurality of program tuners configured to receive a plurality of television programs, wherein at least one television programs corresponds to a television program to be broadcast in the future on a first television channel;  
a first memory configured to store executable instructions; and  
at least one processor that is programmed by the executable instructions to enable the DHCT to output a television signal comprising a simultaneous visual presentation of the plurality television programs and program guide data, wherein at least a portion of the program information corresponding to each respective television program in the plurality of sequential television programs is included in the visual presentation,  
*wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the plurality of program tuners from receiving the plurality of television programs and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 59 be withdrawn.

Because independent claim 59 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claims 60, 65-69 are allowable as a matter of law.

**Independent Claim 61**

Claim 61 recites (with emphasis added):

61. A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:  
receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;  
receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;  
configuring a memory to output the first plurality of video programs;  
configuring an output buffer in the memory with the first video program and the second video program;  
configuring the output buffer with a plurality of program information sections including a first program information section for at least a portion of the program information related to the first video program and a second program information section for at least a portion of the program information related to the second video program;  
configuring the location of the video section and program information section in the output buffer for each respective video program; and  
outputting the output buffer to a display device,  
wherein, *in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to suspend at least one of the plurality of tuners from receiving the plurality of video programs and to utilize the suspended tuner for receiving at least a portion of the requested program information.*

For similar reasons presented above in association with independent claim 21, Applicants respectfully submit that *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection to independent claim 61 be withdrawn.

Because independent claim 61 is allowable over *Matthews* in view of in view of *Tsinberg*, dependent claim 62 is allowable as a matter of law.

**Dependent Claim 46**

As explained above, *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features recited in independent claim 41. *Meyer* fails to remedy these deficiencies. Accordingly, for at least the reason that dependent claim 46 incorporates the features of independent claim 41, Applicants respectfully submits that claim 41 is allowable over the art of record, and hence respectfully request that the rejection be withdrawn.

**Dependent Claim 65**

As explained above, *Matthews* in view of in view of *Tsinberg* fails to disclose, teach, or suggest at least the above-emphasized claim features recited in independent claim 59. *Alexander* fails to remedy these deficiencies. Accordingly, for at least the reason that dependent claim 65 incorporates the features of independent claim 59, Applicants respectfully submits that claim 65 is allowable over the art of record, and hence respectfully request that the rejection be withdrawn.

In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims is patentable over the art of record and that the rejection of these claims should be withdrawn.

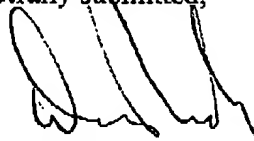
**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency, such as those made on pages 6 and 9, for example, are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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David Rodack  
Registration No. 47,034

THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

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